

**STATUS LETTER TO HONORABLE GILES CARTER GREER
(JUDGE);
CLERK OF MARTINSVILLE CIRCUIT COURT**

Tuesday, February 14, 2023

ATTN: Hon. Giles Carter Greer
Presiding Judge
Martinsville Circuit Court
55 W. Church Street
Martinsville, VA 24114-1206
Phone: (276) 403-5106
Fax: (276) 403-5232
Email: cgreer@ci.martinsville.va.us

ATTN: Hon. Jean P. Nunn
Clerk of the Court
Martinsville Circuit Court
55 W. Church Street
Martinsville, VA 24114-1206
Phone: (276) 403-5106
Fax: (276) 403-5232
Email: jnunn@ci.martinsville.va.us

CC: Glen Andrew Hall, Esq. At ahall@ci.martinsville.va.us (City of Martinsville, Commonwealth of Virginia, Commonwealth's Attorney);

Hon. Giles Carter Greer (Judge) and Hon. Jeanie P. Nunn (Clerk),

I apologize for the amount of filings I been asking Roberta Hill to send to the Circuit Court electronically to file for me, but evidence is evidence, there is a lot of prima facie evidence to satisfy my burden of proof for proving fraud on the court which is believed to have been perpetuated on this Court's judicial machinery by Glen Andrew Hall, and I now have my final response to my FOIA Request since February 13, 2023. I will not need to file any FOIA lawsuit and have no need to ask any more FOIA questions at this time. I received the answers I need from a credible person from Martinsville Police Department, the Police Chief, and the evidence proves **Element 2** within the **Statement of the Facts** in support of my Motion on January 26, 2023.

The Clerk should also be in receipt of a pdf file named: **Brian Hill FOIA Request.pdf**, attached to an email from Kendall Davis, Public Information Officer, City of Martinsville, kdavis@ci.martinsville.va.us, (O)276-403-5379, (M)276-734-0164. This Court can contact him at any time or even the Police Chief for any further inquiry from this Honorable Circuit Court. Roberta

Hill forwarded that exact email with the attachment. Hopefully the Clerk is well in receipt of this pdf file and filed it in the record of the Circuit Court/Trial Court. Before I go any further in this letter.

At this point I have no more of a need to make any more filings until the Circuit Court makes a decision or orders me to appear before an Evidentiary Hearing or Inquiry Hearing or any hearing over the matters on my Motion for relief from judgment or setting aside judgment; the Motion which was filed on January 26, 2023.

I am sure you have already been emailed by Roberta Hill about a 3-page response to my FOIA Request dated January 20, 2023. The same FOIA Request letter filed as Exhibit 12 in support of my Motion. See EXHIBIT PAGE 202-209 OF 337, EXHIBIT 12, URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST and Fax Transmission Tickets).

I have reviewed over the response letter and have taken the time to review over it. I asked Roberta Hill to forward the emails to both the Clerk and to yourself your Honor, the Honorable Judge Greer. I wanted to make sure you have the source email and the answer document. That is the answer by the current Police Chief of the Martinsville Police Department.

This answer document from the Chief of Police Rob Fincher proves that the Commonwealth Attorney Glen Andrew Hall and Attorney Scott Albrecht are both AT FAULT for unlawful destruction of the body-camera footage recorded by Officer Robert Jones of Martinsville Police Department, recorded on September 21, 2018.

The Police Chief said from what it sounded like in his response that they were supposed to be served with the legal documents of the lawsuit or be made aware of the lawsuit civil litigation or criminal litigation and that the body-camera footage is tied to that litigation as “evidence”, and was supposed to be marked as evidence so that it would not be deleted/spoliated indefinitely. It sounds to me like even though Robert Jones had filed the CRIMINAL COMPLAINT and ARREST WARRANT on September 21, 2018,

the Commonwealth Attorney did not designate the body-camera footage as evidence and there was no push to preserve that evidence either, despite the Court Orders which the body-camera is within the scope of those court orders. Two Court Orders were filed in the Martinsville judicial systems, before the deletion of the video file of the body-camera footage. It was not designated as evidence despite multiple letters being mailed to the former Police Chief G. E. Cassady. I am attaching what I found in my evidence box, I am attaching a photocopy of a “return receipt” and “certified mail receipt” and a photocopy of the typed letter mailed to Martinsville Police Department, to G. E. Cassady asking for the body-camera footage. See **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.**

See attachment to this letter thereafter: **Photocopy of return receipt and certified mail receipt.pdf**: 6 pages (six pages) of evidence documentation. First 2 pages are photocopy of signed return receipt (front and back) and certified mail receipt. Next two pages is the typed letter, a true photocopy of the mailed letter, same as what was filed earlier in the Circuit Court record and in **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.** Then the next page is the scanned photocopy of the envelope Stella and Kenneth Forinash had used for the mailing with that letter. The last page is my originally written letter from FCI-1 Butner, North Carolina to Police Chief G. E. Cassady, dated January 19, 2019, but it does say “For Jason McMurray”. That printed photocopy must have been a photocopy where I hand written on that photocopy who it was for. So I had tried to mail a copy to USPO Jason McMurray. So he was aware of my letter to G. E. Cassady too, I assume.

Anyways if you review over the filed: **“Brian Hill FOIA Request.pdf”** dated February 10, 2023, and was filed with the Clerk yesterday, on February 13, 2023, also a copy was emailed to yourself, the Honorable Judge Greer. When you review over what was said, it does prove the substance of my filed: **“MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.**

I shall copy and paste some of what was said in that letter:

See Page 2 of 3 of response letter from Police Chief:

#3 In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

This proves that Glen Andrew Hall had violated or not complied with two court orders since the deletion of evidence was done after those orders, and that non-compliance or violation carried over to the third court order for discovery. Your Honor, you can check your two court orders dated February 6, 2019 and July 15, 2019. Then there is also the General District Court's order dated November 28, 2018. All of those orders were not complied with by Glen Andrew Hall, Esquire, Commonwealth's Attorney in this case.

Also once a criminal case is filed, the body-camera footage was supposed to be marked as evidence according to Police Chief Rob Fincher. It was not marked as evidence, the Commonwealth Attorney did not do this, Glen Andrew Hall didn't properly ask the Police Department to preserve the footage. He is at fault here along with G. E. Cassady.

I had proven to this Court and to you, your Honor, that I had mailed two letters to former Police Chief G. E. Cassady. Stella and Kenneth Forinash mailed a typed version asking for body-camera footage in March 13th/mailed on March 14, 2019. The signed return receipt attached to this letter proved receipt.

That letter and return receipt, the photocopy of that typed letter was the last mailing on March 14, 2019 sent to Martinsville Police Department or to Police Chief G. E. Cassady of Martinsville Police Department before the destruction of the body-camera footage on April 9, 2019. It was destroyed by deletion.

I refer back to Page 26 of the MOTION pending before your Court: See **Element 2: The Plaintiffs were ordered three separate times by two Courts in total (General District Court, Circuit Court) including this Court to have provided discovery evidence to the Defendant and/or to his court appointed attorney which includes any recorded statement of the Defendant made to law enforcement concerning the criminal charge; instead the Plaintiffs' had destroyed the discovery evidence of the police body-camera footage during the pendency of the criminal trial proceedings and litigation, then they demand a jury trial despite knowing that they destroyed evidence favorable to the Defendant in violation of three separate court orders which is CONTEMPT OF COURT; 26.**

The body-camera footage should have never been deleted “by the DVMS system on 4/9/2019”. April 9, 2019. The Commonwealth Attorney was fully made aware by the Court two different times for Orders for Discovery prior to the evidence being deleted which falls within the scope of what was defined in those court orders; which is unlawful spoliation of evidence, and on the third order dated July 15, 2019.

The Police Chief is a credible witness and whoever he asked to look through the records of Martinsville Police Department. This credible witness has responded with very credible information. Proving that the body-camera **footage was deleted without being MARKED AS EVIDENCE, on April 9, 2019** while I was still in federal custody at the Federal Correctional Institution 1 in Butner, North Carolina.

This proves Element 2 of the Statement of the Facts within my filed Motion on January 26, 2023. This proves my claims beyond a reasonable doubt, prima facie evidence.

Since Element 2 has been satisfied, I ask you, your Honor, that you permit me to establish a Fact of an adverse inference meaning that I am permitted to establish a fact which I believe would have been proven with the spoliation of evidence purposefully by the Commonwealth's Attorney Glen Andrew Hall.

I shall cite the very adverse inference I would like the Circuit Court to adopt as a fact with the spoliation of the body-camera footage proven

through unlawful destruction of the material evidence within the scope of the Circuit Court order dated February 6, 2019 and July 15, 2019.

I shall copy and paste some of what was said in that letter:
See Page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf:

Proffered adverse Inference: Defendant asserts under adverse inference that the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders.

If this Circuit Court does adopt my proffered fact through an adverse inference due to the unlawful destruction of evidence within the scope of the multiple court orders, then I ask that the Honorable Circuit Court go ahead and establish the fact in my Statement of the Facts that “*the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform.*”

The Honorable Court now has prima facie evidence/proof of **Element 2**

of the Statement of the Facts on the issue of fraud on the court by proving **Element 2**. See page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf.

The response by the new Police Chief Rob Fincher shows that evidence was deleted/spoliation after a criminal case litigation, and that was not supposed to happen according to the Police Chief. The fault is within the Commonwealth Attorney Office and former Police Chief G. E. Cassady who was notified in writing three separate times. Two court orders, and the third court order after the destruction of the body-camera footage. The fault entirely would also include Scott Albrecht, Glen Andrew Hall, and former Police Chief G. E. Cassady. All three are at fault for the spoliation of evidence. I had proven that before this Court. Have I not proven this fact???

Stella Forinash prepared a Microsoft Word draft file in .docx format of what was originally called a diagram draft page of a short summary of different issues concerning fraud on the court, the different issues in the criminal case showing a shaky or fraudulent foundation of the very criminal charge. I have decided to entitle it a **SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT**; Prepared by Stella Forinash, edited and modified by Brian David Hill. This is a short summary, a few pages explaining in a nutshell the various issues of fraud which constituted a fraud upon the court by the Commonwealth's Attorney. It isn't just unlawful destruction of the body-camera footage, it wasn't just non-compliance with court orders. It is also about the police quickly charging Brian David Hill within a few hours or less on very shaky grounds without even a thorough investigation, and never verifying whether or not Brian David Hill was in fact medically and psychologically cleared when charged. All elements have been proven and satisfied to the satisfaction of this Honorable Circuit Court.

Brian David Hill = Innocence, because I am innocent, I can never be convicted of my charge on September 21, 2018, and should not be as it stands with the prima facie evidence and facts which had been laid out since **MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA**

CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS. I have satisfied the burden of proof.

If the Circuit court still is not convinced that I have satisfied the burden of proof necessary of my motion for relief being granted, this Court is free to order an evidentiary hearing or mail interrogatories to the witnesses, and ask the Police Chief about the evidence deletion in 2019. This Court should conduct an inquiry on all of the issues in the filed Motion.

Then there is new evidence about Scott Albrecht which this Court has a duty to conduct an inquiry to determine if a conflict of interest did exist or exists right now regarding Scott Albrecht working for the prosecution after representing the very same criminal defendant. At least he should recuse himself from any involvement with Brian Hill's cases from the prosecution side since this same attorney had represented Brian Hill prior to being hired by the Commonwealth's Attorney Glen Andrew Hall.

Thank you for your time and attention to this matter.

Where We Go One We Go All (WWG1WGA), Nothing Can Stop What Is Coming (NCSWIC).


Signed

Brian D. Hill

God bless you,
Brian D. Hill
Defendant

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